

**APPLICATION OF TERESA A. WOODY
TO THE APPELLATE JUDICIAL COMMISSION
FOR THE JUDGE ELLIS VACANCY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

***RESPONSES TO THESE QUESTIONS, INCLUDING ATTACHMENTS THERETO,
WILL BE MADE PUBLIC IF THE APPLICANT IS NOMINATED FOR THIS VACANCY***

1. Present principal occupation or title:

Shareholder, The Woody Law Firm PC

2. Are you at least 30 years of age? Yes (X) No ()

3. (a) How many years have you been a citizen of the United States?

I have been a United States citizen since birth, so fifty-six years.

(b) How many consecutive years immediately preceding your application have you been a qualified voter of Missouri?

I have been a qualified voter of Missouri for the last thirty-one consecutive years.

4. State the date you were admitted to The Missouri Bar and whether your license is in good standing. If not, explain in detail.

I was admitted to the Missouri Bar on October 11, 1985. My license is and has been in good standing since that date.

5. List any other states, courts, or agencies in which you are licensed as an attorney.

In addition to Missouri, I am licensed in the States of California and Kansas. I have been admitted to practice in the Eighth, Tenth, Eleventh and Federal Circuit Courts of Appeals. I have been admitted to the District Courts for the Western District of Missouri, the District of Kansas, the Southern District of Illinois, and the Northern and Central Districts of California. I was also admitted to the United States Court of International Trade.

6. (a) State the name and address of all colleges and universities attended, *other than* law school, together with the dates and degrees received.

University of Missouri-Columbia, 125 Jesse Hall, Columbia, MO 63211
August 1978-May 1980 (No degree awarded)

University of California, Berkeley, 127 Sproul Hall, Berkeley, CA 94720
August 1980-March 1982, Bachelor of Arts, Political Science, with High Distinction

(b) List/describe any college or university activities, scholastic achievements and other awards or honors you think are relevant to the commission's decision.

University of Missouri-Columbia:
Honors Student; National Merit Scholarship (Academic Scholarship)

University of California, Berkeley:
Honors Student; Lida Hayes/Emma Benedict Scholarship (Academic Scholarship)
Phi Beta Kappa

7. (a) State the name and address of all law schools attended together with the dates and degrees received.

University of California, Hastings College of the Law
200 McAllister Street, San Francisco, CA 94102
August 1982 – May 1985, J.D., Magna Cum Laude

(b) List/describe any law school activities, scholastic achievements and other awards or honors you think are relevant to the commission's decision.

Editor, Hastings Law Journal
Thurston Society (Academic honors)
Clara Foltz Society (Women law students' association)
Judicial Extern to the Honorable Howard F. Sachs,
United States District Court for the Western District of Missouri
(I acted as an additional law clerk to Judge Sachs for the entire spring semester of my third year of law school in 1985.)

8. State, in chronological order (starting with the earliest employment) *significant non-law-related employment* prior to law school and to the present. To the extent reasonably available to you, include the name and address of each employer and the dates of employment.

Summer, 1978, Baskin Robbins, Jefferson City, MO, counter clerk;

Summer, 1979, Interstate Pancake and Steakhouse, Columbia, MO, waitress, graveyard shift;

Fall 1979 -July 1980, Columbia School of Dance, Columbia, MO, dance instructor and assistant director;

August 1980-March 1982, University of California, Berkeley Department of Paleontology, Berkeley, CA, research assistant, (work study program).

9. State, in chronological order (starting with the earliest employment) *all law-related employment* from the beginning of law school to the present. To the extent reasonably available to you, include the name and address of each employer, the dates of employment, and describe the positions you have held, e.g., associate, partner, law clerk, general counsel.

Van Voorhis & Skaggs (later merged into McCutchen, Doyle, Brown & Enersen), Walnut Creek, CA, May-August 1983, law clerk after 1st year of law school;

Spencer Fane Britt & Browne, LLP, 106 W. 14th St., Kansas City, MO 64105, May-August 1984, law clerk after 2nd year of law school;

Law Clerk to the Honorable Ross T. Roberts, United States District Court for the Western District of Missouri, May 1985-September 1986;

Spencer Fane Britt & Browne, LLP, 1000 Walnut St., Ste. 1400, Kansas City, MO 64106, associate September 1986-December 1992; partner January 1993-March 2004, Chair of Litigation/Trial Practice Department January 2001-March 2004, Elected member of Compensation Committee 2003-March 2004;

Stueve Siegel Hanson Woody, LLP, 330 W. 47th St., Ste. 250, Kansas City, MO 64112, partner April 2004-May 2007;

The Woody Law Firm PC, 1044 Main St., Ste. 500, Kansas City, MO 64105, then 1621 Baltimore Ave., Kansas City, MO 64108, shareholder May 2007-present.

10. If, as a student, you were suspended, placed on probation or expelled by school authorities for any reason, describe the circumstances.

Not applicable.

11. Describe the nature of your experience in trial and appellate courts and explain how they demonstrate the quality of your legal work. (*You either may take as much space as you need here or attach your response on separate sheets. It is your responsibility to redact any confidential information.*) Include in your response:

I have been in private civil litigation and trial practice for thirty years. I started my career as a judicial extern to the Hon. Howard F. Sachs, and then as a law clerk to the Hon. Ross T. Roberts, both with the United States District Court for the Western District of Missouri, where I had the great fortune to work for two incredibly talented and dedicated judges. Although these clerkships were at the district trial level, many of the cases had complicated issues and motions, and I drafted bench memos and draft opinions that required a great deal of research and legal analysis. I credit these clerkships with making me a much better prepared lawyer as I started to practice in litigation and trial work.

I then practiced in the litigation department at Spencer Fane, a large Kansas City firm, where I was able to take on a great variety of business litigation. I was able to work on many small cases, and had my first trials in associate circuit court, and then in circuit court. At the same time, I also was assigned to work on a very complex antitrust case in which Spencer Fane represented the plaintiffs. We took over 200 depositions, most of them with 20 or so lawyers present from large firms all over the country. The issues in the case were complex and required not only extensive depositions, but extensive briefing as well. I participated heavily in both, and learned a tremendous amount not only from my own depositions and briefing, but also from observing very talented lawyers, both at Spencer Fane and at other firms. I was also fortunate during my first three years of practice to second chair lengthy jury trials with two of the senior partners at the firm, who were great and very demanding trial attorneys. As I continued my practice at Spencer Fane, in addition to general business litigation, I developed a specialty in environmental litigation and litigation involving software and technology issues, two challenging and interesting areas of the law. In 2001, I was appointed Chair of the Litigation and Trial Department at Spencer Fane, and managed approximately 50 lawyers and paralegals, which required me to hone my mentoring and management skills. I also was elected by my partners to serve on the firm's Compensation Committee to allocate revenue among the partners, a position that required using good listening skills, among others.

After practicing about 18 years at Spencer Fane, I left to join Stueve Siegel Hanson Woody, then a small litigation boutique firm of approximately 12 lawyers. I wanted the opportunity to branch out into other cases, especially those in which I could represent plaintiffs. At Stueve Siegel, I was able to represent individuals and startup companies while still drawing on my environmental and technology background, such as a class action representing residents of a small Illinois town whose groundwater was so contaminated that it could be pulled up and set alight with a match, or representing a local software company whose unsophisticated software license was being abused by large financial institutions to deny it royalties that were due. This work was both intellectually and practically challenging, and very satisfying.

Inevitably the success of that firm led to growth, and to a very significant and burdensome travel schedule, which became more difficult as my children entered elementary school. In 2007, I started my own practice, representing mostly individuals and small businesses. I also am able to prosecute wage and hour claims for both large and small classes, and I often partner with other firms on cases where my experience is helpful, such as a case against Dow Chemical for environmental contamination of plaintiffs' property in a large swath of Saginaw, Michigan. I continue to practice a broad spectrum of business litigation, and have been able to assist individuals, small businesses, and business owners who often feel at a disadvantage when they have a large corporation on the other side. I strive to use my experience and skills to level the playing field for my clients.

Throughout my career, I have also been blessed to have the support and mentoring of my talented trial lawyer husband, Rik Siro. Although Rik's practice focuses on personal injury and employment discrimination, we often "talk shop" and I have benefitted greatly over the years from his experience and perspective, as well.

I have averaged a jury trial approximately every 18 months over my career, and I have many multiples of that number in all kinds of bench-tried and administrative hearing settings. I also routinely accept pro bono appointments from Legal Aid, and often appear in those cases in associate and circuit court on all matter of issues that affect clients' daily lives. I feel my trial experience is broad and well rounded, and would serve me well as an appellate judge.

I have continued to represent clients at the appellate level whenever necessary. I have experience in both state and federal appellate courts, and have represented clients on appellate matters ranging from issues that, while very important to the individual client, are entirely specific to that one case, to issues that potentially could have a broad effect in clarifying aspects of the law or the interpretation of the law. In listing the cases below, I have not attempted to set out an exhaustive list, but rather have tried to put forward a representative sample of the breadth and different types of matters I have handled.

Over my career as a lawyer, I have developed a tremendous respect for our system of justice, and for good and dedicated judges who make it work. It would be a great privilege to use my skills and experience acquired over the last 30 years to serve as an appellate judge for the Missouri Court of Appeals, Western District.

- a) **Appellate Experience:** Please include a representative list of cases you have briefed and/or argued (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court and, if published, the citation; identify

the client(s) you represented and opposing counsel; and give a one-paragraph description of the case and your role.

A. Zahner Company v. McGowan Builders, Inc., Case No. WD78063/WD78087, Missouri Court of Appeals, Western District, representing McGowan Builders, Inc., briefed and argued the appeal for appellee and cross-appellant McGowan Builders, trial counsel for McGowan Builders in the jury trial in the Sixteenth Circuit Court, Jackson County, Missouri. Appeal submitted on February 17, 2016, opinion pending. Opposing Counsel: Stephen Miller, Frederick Ernst, Miller Shirger, LLC. This appeal arose from a construction dispute between a subcontractor and general contractor involving the construction of a hotel in New York, New York. After a 14 day jury trial in the Sixteenth Circuit Court, Jackson County, Missouri, Zahner appealed the judgment holding that Zahner was not entitled to interest and attorney fees under the Missouri prompt pay statute. McGowan cross-appealed alleging that the Court erred in holding as a matter of law that the language in the contract between the parties did not constitute an enforceable pay if paid clause.

Jeremy Didier v. Abbott Laboratories, et al., Case No. 14-3125, Tenth Circuit Court of Appeals, briefed and argued the appeal for plaintiff-appellant Jeremy Didier. Opposing Counsel: David Morrison and Kristen Jones, Goldberg Kohn, Ltd. (Chicago), and James Durbin, Swanson Midgley, LLC. Ms. Didier appealed summary judgment entered against her in the United States District Court for the District of Kansas on her claims of employment discrimination on the basis of sex and religion. The Tenth Circuit affirmed, with an unpublished opinion, on July 31, 2015.

Hallmark Cards, Inc. v. Janet L. Murley, Case No. 11-2855, Eighth Circuit Court of Appeals, on the brief for defendant-appellant, trial counsel for Ms. Murley in the District Court for the Western District of Missouri. Opposing Counsel: John Aisenbrey, Stinson Morrison Hecker LLP, Charles German and Daniel Blegen, Rouse Hendricks German May PC. Ms. Murley appealed a jury verdict in Hallmark's favor on a breach of contract claim. The Eighth Circuit modified the judgment, reducing the damages awarded, clarified that the trial court must make an explicit finding of bad faith before submitting an adverse inference instruction, and affirmed the judgment as modified. *Hallmark Cards, Inc. v. Murley*, 703 F.3d 456 (8th Cir. 2013).

Henry, et al. v. The Dow Chemical Company, Case No. 136298, Michigan Supreme Court, briefed and argued the appeal for plaintiffs-appellees, a class of property owners in Saginaw, Michigan, whose residential properties have been contaminated with dioxin by defendant-appellant Dow. Opposing Counsel: Douglas Kurtenbach, Kirkland & Ellis, LLP (Chicago) and Kathleen

Lange, Dickinson Wright PLLC (Detroit). The Circuit Court of Saginaw, Michigan certified a class of property owners whose property has been contaminated with dioxin by Dow and who brought claims for nuisance and negligence for damage to their properties. Dow appealed the class certification to the Michigan Court of Appeals, Case No. 266433, alleging that the Circuit Court erred in applying a lenient standard in certifying the class. I also represented plaintiffs on the brief and in oral argument at the Michigan Court of Appeals. The Court of Appeals affirmed the Circuit Court's order certifying the class, and Dow then appealed to the Michigan Supreme Court. The Michigan Supreme Court clarified the standard for class certification in Michigan, and held that the Circuit Court had properly applied the standard, and remanded to the Circuit Court for it to clarify its analysis under the standard on two elements of class certification, *Henry v. Dow Chemical Co.*, 772 N.W.2d 301 (Mich. 2009).

Henry, et al. v. The Dow Chemical Company, Michigan Supreme Court, briefed and argued the appeal for plaintiffs-appellees, a class of property owners in Saginaw, Michigan, whose residential properties have been contaminated with dioxin by defendant-appellant Dow, and who brought a claim for medical monitoring due to their exposure to dioxin on their properties. Opposing Counsel: Douglas Kurtenbach, Kirkland & Ellis, LLP (Chicago) and Kathleen Lange, Dickinson Wright PLLC (Detroit). The Circuit Court denied Dow's motion for summary disposition that plaintiffs could not state a claim for medical monitoring. Dow appealed, and the Michigan Supreme Court granted leave to appeal. The Supreme Court reversed the Circuit Court, holding that Michigan law did not provide a claim for medical monitoring, *Henry v. Dow Chemical Co.*, 701 N.W.2d 684 (Mich. 2005).

In re Wyoming Tight Sands Antitrust Cases, 866 F.2d 1286 (10th Cir. 1989), briefed the issues on interlocutory appeal on behalf of plaintiffs-appellees public utility companies on the issue of whether competing plaintiffs the States of Kansas and Missouri could pursue indirect claims of utility customers under the doctrine of *parens patriae* that competed with or overlapped the claims of the utility companies. The defendant gas producers had moved for summary judgment against the utilities arguing that the utilities could not prove damages because they allegedly "passed through" the inflated natural gas prices to utility customers. The United States District Court for the District of Kansas denied summary judgment against the utilities, but dismissed the States' *parens patriae* claims, 695 F.Supp 1109 (D. Kan. 1988). The States appealed arguing that the States were the proper plaintiffs rather than the utility companies. The Tenth Circuit affirmed the District Court's ruling. Thereafter the case was resolved by settlement and the utilities

negotiated for consumer refunds of natural gas charges and future guarantees of reduced natural gas prices, with a settlement value of over \$400 million.

Coleman v. Superior Asphalt Co., Case No. WD45879, Missouri Court of Appeals, Western District, briefed and argued on behalf of respondent-appellee Superior Asphalt Co. The Sixteenth Circuit Court, Jackson County, Missouri, had granted summary judgment on behalf of Superior Asphalt as to liability with regard to the design of a highway where plaintiff had an automobile accident. The Missouri Court of Appeals affirmed the trial court's entry of summary judgment.

- b) **Trial-Level Experience:** Please include a representative list of cases and/or administrative hearings you have handled (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court; identify who you represented and opposing counsel; state whether the case was disposed of following a jury trial, bench trial or at what other stage; and give a one-paragraph description of the case and your role.

Larry Blair and Charlie Davis, on behalf of themselves and all other persons similarly situated v. TransAm Trucking, Inc., Case No. 09-2443, United States District Court for the District of Kansas. Opposing Counsel: Rachel H. Baker, Shannon D. Johnson, Seigfreid Bingham. I am lead counsel representing approximately 8,500 truck drivers misclassified as independent contractors rather than employees, who are making claims for wages that they should have received as employees. The District Court certified the case as both an FLSA collective action and a Rule 23 nationwide class of 8,500 drivers. Discovery is ongoing.

Cecil Mallot, individually, and on behalf of class of others similarly situated, v. Lexington Manor Healthcare Group, Inc., and Saber Healthcare Group, LLC., Case No. 4:12-CV-00446, United States District Court for the Western District of Missouri. Opposing Counsel: Francis X. Neuner, Jr., Spencer Fane LLP. I was lead counsel in this FLSA action brought on behalf of a nationwide class of maintenance directors against a corporation that owns or manages nursing home facilities throughout the eastern and southern areas of the United States. The maintenance directors, who often worked 60 hours or more per week, were improperly misclassified as exempt salaried workers, even though they performed maintenance labor themselves and rarely supervised anyone. The District Court initially denied certification of the class, and we moved for reconsideration. The District Court reversed itself and certified the class, allowing the maintenance directors' claims for payment for overtime to proceed. Thereafter, the class claims were resolved via a confidential settlement.

A. Zahner Company v. McGowan Builders, Inc., Case No. 1316-CV14940, Sixteenth Circuit Court, Jackson County, Missouri. Opposing Counsel: Stephen Miller, Miller Schirger LLC. I represented defendant McGowan Builders in a construction dispute between a subcontractor and general contractor involving the construction of a hotel in New York, New York. Plaintiff sought damages for breach of contract plus attorneys' fees and 18% interest under the Missouri prompt pay statute. After a 14 day jury trial, the jury awarded plaintiff damages of \$303,000, and the Court denied plaintiff's claims for attorney fees and super interest. Plaintiff appealed the judgment, and McGowan cross-appealed on the grounds that the trial court had erred in holding as a matter of law that the language in the contract did not constitute an enforceable pay if paid clause. The appeal is pending.

Ronald L. Coppaken v. Keystone Automotive Operations, Inc., Case No. 10-00316-CV-W-GAF, United States District Court for the Western District of Missouri, and Case No. 4:10-CV-00316 United States Bankruptcy Court, Western District of Missouri. Opposing counsel: Robert J. Tomaso, Mark T. Benedict, Patrick M. Gavin, Husch Blackwell, LLP. I represented Mr. Coppaken, the owner of Arrow Speed Warehouse, Inc., a local company that distributed specialty auto accessories. Keystone Automotive Inc., a national company that distributes auto parts, entered into an agreement to purchase the assets of Arrow Speed Warehouse. In the agreement, Keystone required Mr. Coppaken to put Arrow Speed Warehouse into bankruptcy. As part of the agreement, Mr. Coppaken was to become an executive employee of Keystone; however, upon the closure of the deal, Keystone informed Mr. Coppaken that Keystone would not hire him. We brought suit on behalf of Mr. Coppaken for fraud and breach of contract, seeking millions of dollars in compensation. Keystone counterclaimed against Mr. Coppaken for fraud and breach of a non-competition agreement. The District Court referred the case to the Bankruptcy Court because of the previous bankruptcy filing. After the completion of substantial discovery, the parties briefed to the Bankruptcy Court summary judgment on their respective claims, and Keystone moved the Bankruptcy Court to retain the case for ultimate decision to avoid a jury trial. The Bankruptcy Court denied Keystone's motion for summary judgment; entered summary judgment in favor of Mr. Coppaken on defendant's counterclaims, and referred the case back to the District Court for jury trial on Mr. Coppaken's claims. Thereafter, Mr. Coppaken's claims were resolved via a confidential settlement.

Central States Underwater Contracting, Inc. v. Joshua C. Price, Case No. 12-CV-2556, United States District Court for the District of Kansas. Opposing Counsel: R. Mark Nasteff, Jr. Plaintiff CSU sued Mr. Price, whom I represented, in Johnson County, Kansas District Court, alleging breach of a

trade secrets and non-competition agreement, and fraud. Plaintiff obtained a Temporary Restraining Order against Mr. Price. We removed the case to the United States District Court for the District of Kansas, and counterclaimed for breach of Mr. Price's employment agreement and for wages due under the Kansas Wage Payment Act. The parties immediately took limited depositions of the parties in Houston and Kansas City, and the District Court held an evidentiary hearing on plaintiff's motion for Preliminary Injunction on its claims that Mr. Price be enjoined from competing with plaintiff. The Court denied plaintiff's motion for preliminary injunction. After additional extensive discovery and motion practice, Mr. Price's counterclaims were resolved via a confidential settlement.

Mark Clark and Roman Trice, on behalf of themselves and all others similarly situated v. Remanufactured Office Systems, Inc., Case No. 0916-CV19421. Sixteenth Circuit Court, Jackson County, Missouri. Opposing Counsel: Paul Seyferth, Seyferth, Blumenthal & Harris. I represented a class of laborers who worked for defendant, assembling and delivering modular office furniture. Plaintiffs were misclassified by defendant as independent contractors rather than employees, and were denied wages and health care and pension benefits that were made available to employees of defendant. After the Court granted plaintiffs' motion for certification, plaintiffs' claims were resolved by settlement.

Katherine Sparks, et al. v. The Premcor Refining Group, Inc., et al., Circuit Court, Third Judicial Circuit, Madison County, Illinois. Case No. 03-L-1053. Numerous opposing counsel including Robert Olian, Sidley Austin LLP, Jim Bennett, Dowd Bennett, Joseph Nasstif, Husch Blackwell, and Jim O'Brien, Armstrong Teasdale. I was one of lead counsel in a toxic torts class action brought against Premcor Refining Group and other oil and gas companies for contamination of plaintiffs' residential properties in the Village of Hartford, Illinois, and the groundwater underlying the Village, due to poor practices and the leaking of gasoline from pipelines underlying the Village. After several years of litigation, the case was resolved by a settlement of over \$35 million paid by defendants.

Britvic Soft Drinks Ltd. v. ACSIS Technologies, Inc. Case No.2:01-CV-02243, United States District Court for the District of Kansas. Opposing Counsel: Stanley D. Davis; White Goss, Joseph G. Matye; Shook Hardy & Bacon. I represented and was trial counsel for plaintiff, the largest soft drink distributor in the United Kingdom, in a breach of contract and misrepresentation action regarding Britvic's software license. The jury found for plaintiff and awarded Britvic approximately \$1,000,000.

Venture Stores, Inc. v. Director of Revenue, Missouri State Tax Commission. The Missouri Director of Revenue alleged that Venture Stores owed use taxes on its advertising circulars. I tried the case before State Tax Commission; which found that Venture was not liable for Missouri use taxes for its in-house creation of advertising circulars.

Graphic Technology, Inc. v. (unnamed Software Company), (AAA Arbitration) I represented plaintiff Graphic Technology in an action for breach of a multimillion dollar software license and trade secrets violations against a software company headquartered in London. After significant discovery including depositions at defendant's headquarters, the parties conducted an arbitration with John S. Black as the arbitrator. The decision resulted in the reinstatement of plaintiff's software royalties.

City of Wichita v. Aero Holdings, et al., Case No. 6:98-CV-01360, United States District Court for the District of Kansas. Opposing counsel: Robert Driscoll, Stinson Leonard Street. I represented a drycleaning company in a CERCLA action for cost recovery for environmental contamination brought by the City of Wichita against 29 defendants. I served as the chair of defendants' steering committee; and was successful in a summary judgment motion holding the City partially responsible as a participant contributing to the contamination. Thereafter, I negotiated a settlement of my client's allocation and responsibility for cleanup costs.

Dryclean USA of Florida, Inc. v. Florida Department of Environmental Protection, Florida Office of Administrative Hearings. I represented a drycleaning company in a matter where the Florida Department of Environmental Protection had denied the company entry into a funded cleanup program, and the company challenged that denial. After a multi-day trial before the Administrative Law Judge, the Office of Administrative Hearings reversed and allowed my client to participate in the fund on the particular site at issue; thereafter, the Florida Department of Environmental Protection dropped all other suits challenging the client's other drycleaning stores in Florida and allowed its stores to enter the fund.

- c) **Judicial Experience:** If you are a judge, commissioner, or are serving or have served in other judicial capacity, please describe the nature and extent of your judicial responsibilities, including the dates you have served as a judge at each level, the types of dockets you have handled and any special expertise you have developed that you believe is relevant to your qualifications for the position for which you are applying.

Not applicable.

12. Describe any additional legal experience that you believe may be relevant to the decision of the commission (e.g., work as a law professor, in government, as corporate or other legal counsel).

I have limited experience in criminal law matters; when I left my position as law clerk to Judge Roberts, I received three pro bono appointments from then Magistrate Calvin Hamilton to represent criminal defendants in cases filed in the United States District Court for the Western District of Missouri. I represented defendants accused of forging prescriptions, sales of illegal drugs, and tax fraud. I briefed and argued suppression and other motions, conducted discovery, negotiated plea agreements, and prepared for and argued at sentencing.

Over the years I have been appointed to represent many juveniles in the Jackson County Family Court for offenses ranging from truancy to offenses that would be deemed crimes if they were adults, including burglary, sexual assault, and serious assaults (shootings). I have tried several of these cases to a verdict in bench-tried cases. I have represented multiple juveniles in certification hearings where the Government sought to try them as adults.

13. List all bar associations and other professional societies of which you are a member, with any offices held and dates.

The Missouri Bar; 1985-Present
Editorial Board of Directors, *Journal of the Missouri Bar*, 1992-2004,
Chair of Editorial Board of Directors, 1998-2000
Member, Civil Practice and Procedure Committee, 1986-2004

Kansas City Metropolitan Bar Association; 1985-Present
Chair, Committee on Women in the Profession, 1988

Lawyers Association of Kansas City; 1985-2007
Board of Directors, 2003-2007

Kansas Bar Association; 1995-Present

The State Bar of California; 1985-Present

Association for Women Lawyers of Greater Kansas City; 1985-Present
Board of Directors, 1989-94
President, 1992-93

Association for Women Lawyers' Foundation, AWLF Connections Program; 2012-Present (mentoring program for young women lawyers; serve as a mentor to five young women lawyers over 5 year period)

National Employment Lawyers Association, National and Kansas City Chapters; 2007-Present

National Conference of Women's Bar Associations; 1993-95
Board of Directors, 1993-94
Chair of Midyear Meeting, 1994

American Bar Association; 1985-2004

Chair, Committee on Environmental Litigation and Toxic Torts, Section of Natural Resources, Energy & Environmental Law, 1996-97

Speaker and moot court presenter at multiple annual and mid-year meetings on issues of environmental litigation and intellectual property litigation.

14. Describe your efforts (e.g., work on bar committees, pro bono efforts, CLEs presented, etc.) to contribute to the improvement of the law, the legal system and the administration of justice.

Throughout my career, I have participated in numerous bar organizations and committees, such as The Missouri Bar Civil Practice Committee, the Editorial Board of the Missouri Bar Journal, and the Kansas City Metropolitan Bar Association Committee on Women in the Profession. I have worked extensively to integrate women lawyers into our legal system, especially through the Association for Women Lawyers. I currently am a mentor to young women lawyers through the AWLF Connections program, in which experienced women lawyers agree to mentor 5 young women lawyers over a 5 year period. This has been a wonderful experience for me, as well, as it keeps me better in tune with the younger lawyers and their perspectives' on the practice of law.

While I was the Director of the Litigation and Trial Department at Spencer Fane, I oversaw the development of monthly training sessions where partners presented on specific legal issues, such as how to get or defend against a preliminary injunction, or depose an expert witness, or the like. This in-house CLE not only was helpful from a teaching perspective, it helped the group to bond.

I routinely act as a CLE speaker for various civil litigation seminars, including those put on by the University of Missouri at Kansas City Law School, where I often am one of the participants in mock trial presentations.

I have devoted a substantial amount of time over the last five years as a member of the 16th Circuit Judicial Commission, interviewing and helping to select qualified applicants for the panels from which Governor Nixon appoints judges to the Jackson County bench. It has been a great honor to participate in this judicial selection process, which I believe is one of the key elements ensuring the very fair and talented judges in our county.

I routinely accept pro bono appointments from Legal Aid, and represent those clients in any number of civil disputes.

15. List your community activities, including any organizations not listed elsewhere with which you are affiliated.

Women's Foundation of Greater Kansas City;
Board of Directors, 2003-2010
President, 2007-2009
Advisory Board, 2011-Present

Mattie Rhodes Counseling & Arts Center;
Board of Directors, 1990-96
President, 1994-95

Midwest Regional Conference for Women in the Law;
Co-Chair, 1997-98, Speaker 2002

Centurions' Leadership Program, Kansas City, Missouri;
1991-93, Alumni 1994-Present
Steering Committee, 1992-93
Alumni Programs Chair, 1996-97

Westport Ballet Theatre;
Board of Directors, 1987-90
President, 1988-89

16. Describe your activities (e.g., speeches, presentations, educational activities, etc.) undertaken to further public understanding of and respect for courts and the judicial system and to promote access to justice for all.

I have tremendous respect for our legal system, and the lawyers and judges who participate in it. I especially have great faith in the "Missouri Plan" for the merit selection of judges. I have been a member of the Speakers' Bureau for the Missouri Plan, and have given speeches and answered questions at community and various groups' meetings to explain the Plan and why it so valuable.

I have participated as a "moot court" leader for high school students at the old Westport High School, leading them in working up and presenting cases in mock trials, which helped these young people, many of whose experiences with the law were otherwise unpleasant, to have an understanding of our legal system and to feel they could be a part of it in a positive way. I have also participated as a judge for various moot courts, and participate as a master in the Ross T. Roberts Trial Practice program, which allows young lawyers to learn from more experienced lawyers and practice their craft.

I am a strong supporter of Legal Aid, and routinely assist indigent clients through accepting cases through its Volunteer Attorney Project. Years ago, I assisted Legal Aid in setting up a program called Project Assist, in which we trained and provided lawyers to represent victims seeking Orders of Protection against domestic abusers. I volunteered for that program for many years, and represented clients about once a month in Independence, Missouri.

17. List any professional articles or books authored by you that have been published or any special recognition or award of a professional nature you have received.

Association of Women Lawyers;
Outstanding Service Award, 1998
President's Award, 2013

The Missouri Bar;
Thomas D. Cochran Community Service Award, jointly with husband Rik Siro,
2003

Daily Record;
Legal Leaders of the Year, 2004

Best Lawyers in America, Environmental Litigation, Business Litigation,
Intellectual Property Litigation, 2009-Present

Missouri Lawyers' Weekly;
Litigation Practitioner's Award (2015 Women's Justice Awards)

Kansas City Metropolitan Bar Association;
Distinguished Counselor Award, 2015

Kansas City Best of the Bar;
Multiple inclusions

Super Lawyers;
Multiple inclusions

18. Do you now hold or have you ever held an elective or an appointive public office or position? If yes, provide details.

Yes, I am currently serving as an elected lawyer member of the Sixteenth Circuit Judicial Commission, the commission that interviews and recommends judicial candidates to the Governor for appointment to the 16th Circuit Court in Jackson County, Missouri.

19. Provide the branches and dates of (a) military service or (b) other public service not otherwise disclosed in this application. If discharged from the military, state whether the discharge was other than honorable.

Not applicable.

20. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of being an appellate judge, including participating in oral argument; performing legal research; communicating clearly and effectively, both orally and in writing; supervising the lower courts, serving on court committees and performing other administrative functions; and expeditiously deciding issues coming before the court.

Yes, I am able to fully perform all functions of an appellate judge.

21. Were you ever refused admission to the bar of Missouri or the bar of another state or the federal courts? If yes, provide details.

No.

22. Have you ever been disciplined, admonished or cited for a breach of ethics or professional conduct by the Supreme Court of Missouri or by any court or bar association or committee thereof? If yes, provide details.

No.

23. If you are or were a member of the judiciary of the State of Missouri, please state:

- a) Whether an order of discipline ever has been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or

the Canons of Judicial Conduct. If yes, provide details.

Not applicable.

- b) Whether a reprimand or admonition ever has been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Supreme Court Rule 12.07. If yes, provide details.

Not applicable.

24. Have you have ever been held in contempt of court? If yes, provide details.

No.

25. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem, or defendant ad litem?

No.

If your answer is yes, state the style of the case, where it was filed, and explain in detail. If you are a judge and you have been sued in your judicial capacity, list only those cases where you are or were other than a nominal party.

Not applicable.

26. Have you ever pleaded guilty, been convicted or received a suspended imposition of sentence for a felony or misdemeanor in any state, federal or military court? *(Note that this question does not require that minor traffic offenses or other infractions be listed.)*

No.

If your answer is yes, state the style of the case, where it was filed, and explain in detail.

Not applicable.

27. Are you delinquent in the payment of any federal, state, county or city taxes? If yes, provide details.

No.

28. You must attach to this application at least one, but not more than three, writing samples that comply with the requirements set out in the instructions for applicants.

Plaintiffs-Appellee's Brief in Opposition to the Dow Chemical Company's Application for Leave to Appeal, *Henry, et al. v. The Dow Chemical Company*, Supreme Court Case No. 136298, Michigan Supreme Court

Plaintiff's Motion for Summary Judgment on Defendant's Counterclaims, With Supporting Suggestions, *Coppaken v. Keystone Automotive Operations, Inc.*, Case No. 08-50698-JWV, United States Bankruptcy Court for the Western District of Missouri, Western Division

Memorandum in Support of Plaintiff's Motion for Partial Summary Judgment on Their Status as Employees, *Blair, et al. v. TransAm Trucking, Inc.*, Case No. 09-CV-2663-EFM-DWB, United States District Court for the District of Kansas

29. List/describe any additional honors or awards you have received, activities you have performed, or any other information not set out above that demonstrates the quality of your work as an attorney or that you otherwise believe is relevant to the commission's decision.

Kansas City Business Journal;
One of 25 Women Who Mean Business, 2001

Centurions' Bernard Powell Memorial Award for Extraordinary Leadership and Action in Kansas City, 2005

Kansas City Business Magazine; 50 + 1 Influential Women Who Have Changed and Inspired Kansas City, 2007

Please list the names of **five** persons whom you will ask to provide letters of reference for you with respect to your judicial qualifications. Do **not** list as a reference a judge of the court involved. As to each of the five references, **please provide name, title, mailing address, telephone and e-mail address.**

R. Denise Henning, Shareholder, The Henning Law Firm, P.C., 9601 NE Barry Rd., Ste. 201, Kansas City, MO 64158, 816-221-8442, denise@henninglawpc.com.

Hon. Sylvester James, Jr., Mayor, City of Kansas City, Missouri, 29th Floor City Hall,

414 E. 12th St., Kansas City, MO 64106, 816-513-3500, sly@slyjamesfirm.com .

Theresa L.F. Levings, Shareholder, Badger & Levings, LC, 1621 Baltimore Ave., Kansas City, MO 64108, 816-221-2828, tlevings@badgerlevings.com .

Michael F. Saunders, Partner and Former Firm Chair, Spencer Fane LLP, 1000 Walnut St., Ste. 1400, Kansas City, MO 64106, 913-327-5170, msaunders@spencerfane.com .

Norman E. Siegel, Partner, Stueve Siegel Hanson, LLP, 460 Nichols Rd., Ste. 200, Kansas City, MO 64112, 816-714-7112, siegel@stuevesiegel.com .

Please note that it is your responsibility to contact your references, although if you intend to use as a reference a federal judge or other individual who only can provide a reference upon a specific request by the interviewing authority, please advise the commission and it will send that reference such a request.

The commission must receive all reference letters **by e-mail no later than 5 p.m. Friday, April 29, 2016.**

Provide your references with the attached Guidelines for References. The commission must receive your letters of reference, **via e-mail**, to WDjudgevacancy@courts.mo.gov, by the date indicated in the Instructions to Applicants.